

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Communications Division
Broadband, Video and Market Branch**

**RESOLUTION T-17697
May 7, 2020**

R E S O L U T I O N

Resolution T-17697 – Establishing the Criteria for the California Department of Education in Response to COVID-19 within the California Advanced Services Fund Broadband Adoption Account

SUMMARY

This Resolution adopts criteria and a process for the distribution of grants from the California Advanced Services Fund (CASF) Adoption Account to public schools and school districts represented by their “local education agency” (LEAs)¹ in response to the COVID-19 public health emergency. An amount not to exceed \$5 million will be set aside for this distribution. The California Public Utilities Commission (Commission) will work with the California Department of Education (CDE), which will determine the specific LEA needs for funding allocation. The Commission will maintain oversight of this fund distribution.

BACKGROUND

On March 19, 2020, Governor Gavin Newsom signed Executive Order N-33-20 requiring Californians to heed the order of the California State Public Health Officer and the Director of the California Department of Public Health. The order mandates that all individuals living in the State of California must stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors, in order to address the public health emergency presented by the COVID-19 disease (Stay-at-home Order). Subsequently, the Governor announced further efforts to provide distance learning to California’s students as a result of school

¹ In Comments to Draft Resolution T-17697, CDE identified LEAs as a local education agency including locally controlled school district, charter school and county office of education. This Resolution has been revised in response to comments.

closures to mitigate the COVID-19 outbreak. These efforts include working together during these unprecedented times, minimizing any impact to students during distance learning, and finding ways to better serve students and facilitate learning.

On March 26, 2020, the Assigned Commissioner issued an Assigned Commissioner Ruling (ACR)² requesting comments on CASF Broadband Infrastructure Account rules and application windows in R.12-10-012.

Question 1 of the questions posed to parties for comment focused on issues pertaining to COVID-19. Specifically, Question 1 stated, “[i]n the context of the CASF, what can and should the Commission do in response to COVID-19”³ to the use of Adoption Account funding?⁴

An ALJ ruling, also issued on March 26, 2020, required that comments on Question 1 be filed and served no later than April 9, 2020, with reply comments to be filed and served no later than April 15, 2020.

Sixteen parties filed comments:⁵ Access Humboldt (AH), AT&T, California Internet (dba GeoLinks), City & County of San Francisco (CCSF), California Cable and Telecommunications Association (CCTA), Central Coast Broadband Consortium (CCBC), California Emergency Technology Fund (CETF), California Department of Education (CDE), Electronic Frontier Foundation (EFF), Greenlining, Pacific Lightwave, Public Advocates Office, Race Telecommunications, Inc., Rural County Representatives of California (RCRC), Sacramento Public Library, and the Small Local Exchange Carriers (LECs).

On April 13, 2020, the Assigned ALJ issued an e-mail ruling to inform parties the Commission's Communications Division (CD) would serve a proposed resolution that would modify the CASF Adoption Account rules and policies consistent with the record developed in response to Question 1 of the March 26, 2020 ACR. The draft resolution would be placed before the Commission for a vote at a future business meeting. The ALJ ruling further directed that if parties would like to comment on this

² Assigned Commissioner Ruling Requesting Comments on Broadband Infrastructure Rules and Application Windows [R.12-10-012] March 26, 2020.

³ *Id.* at p 4.

⁴ *Ibid.*

⁵ Some parties' comments did not specifically address the Adoption Account but addressed other CASF accounts/issues.

procedural action, they may do so concurrently in their reply comments to Question 1 that are due to be filed and served no later than April 15, 2020.⁶

Eight parties filed reply comments: AT&T, CCTA, California State Library (CSL), California Internet (dba GeoLinks), CCBC, CETF, NBNC, and the Public Advocates Office.

Summary of Opening Comments filed in response to the ACR

Most parties commenting on the Adoption Account generally support using the Adoption Account funding to help during the COVID-19 public health emergency. For example, Greenlining proposed that the Commission use CASF funds as a way to supplement existing efforts to close the digital divide among students affected by COVID-19 school closures.⁷ CCTA supported use of CASF funds related to COVID-19 if that use is “consistent with legislative direction and limitations in the CASF authorizing statute.”⁸ CDE cited the needs of students and schools during COVID-19 and proposed that, based on existing structures between the CDE and County offices of education, CDE could help disseminate resources directly to students who are identified as most in need in schools through the County offices of education.⁹ Four parties also supported the distribution of hotspots through the Adoption Account.¹⁰ For example, RCRC cited the need for hotspots and computer equipment for students attempting to attend class remotely.¹¹

Summary of Reply Comments filed in response to the ACR

In reply comments, parties generally agreed that hotspots should be an allowable device under the Adoption Account.¹² CETF further asserted that CASF should be

⁶ Assigned Administrative Law Judge Email Ruling dated April 13, 2020.

⁷ Greenlining Opening Comments at 1.

⁸ CCTA Opening Comments at 2. CCTA also notes other factors such as supporting and complementing activities already funded by other public or private investment, can reasonably be implemented in a timely and effective manner given the urgency and (hopefully) relatively short duration of the COVID-19 public health emergency, and does not undermine or divert from achieving the CASF program’s long-standing statutory purpose to deploy broadband infrastructure in completely unserved areas of California where no business case exists for private investment without a subsidy.

⁹ CDE Opening Comments at 1.

¹⁰ Opening Comments: GeoLinks at 4; CCSF at 2; Public Advocates Office at 3; RCRC at 3, 4. Other parties did not specifically comment on this issue.

¹¹ RCRC Opening Comments at 3.

¹² CCTA Reply Comments at 3; 4. CSL Reply Comments at 3. CCBC Reply Comments at 1-3.

cautious about simply purchasing and giving away computing devices and Wi-Fi hotspots, but was also receptive to new ways of working together, stating:

CETF supports broadened eligibility to allow larger institutions to become grantees both to manage more efficiently the distribution of devices and to organize the distribution of information about affordable offers and provide technical assistance for digital literacy training. Larger institutional grantees, such as CDE and SPL, also will be better able to establish evaluation monitoring procedures and collect information to report on results related to increasing adoption.¹³

CSL also supported measures taken to increase hotspot availability as “public libraries and county offices of education can be the most effective and efficient local government entities to disperse devices and hotspots to members of their local communities.”¹⁴

ADOPTION ACCOUNT BACKGROUND

Assembly Bill (AB) 1665 added to the CASF the Adoption Account,¹⁵ which provides grants to increase publicly-available or after school broadband access and digital inclusion. Eligible applicants for digital inclusion are local governments, senior centers, schools, public libraries, nonprofit organizations, and community-based organizations. AB 1665 also requires the Commission to give preference to programs in communities with demonstrated low broadband access, including low-income communities, senior communities, and communities facing socioeconomic barriers to broadband adoption.

In June 2018, the Commission issued Decision (D). 18-06-032 which implemented provisions of AB 1665 and adopted new rules for administering the CASF Adoption Account. On March 1, 2019, the Commission issued D.19-02-008 which revised the Adoption Account Requirements and Guidelines.¹⁶

¹³ CETF Reply Comments, at 6.

¹⁴ CSL Reply Comments at 3.

¹⁵ AB 1665 is codified at Public Utilities (Pub. Util.) Code section 281.

¹⁶ Decision Revising the CASF Broadband Adoption Account, [D.19-02-008] (2019), Appendix 1.

DISCUSSION

CDE as the Facilitator of Grant Distribution

CDE oversees the state's public school system, which is responsible for the education of more than six million children and young adults in more than 10,000 schools with 295,000 teachers.¹⁷ CDE is working closely with agency partners in response to COVID-19.¹⁸

CD proposes that CDE facilitate the determination of the specific local education agencies (LEAs) for funding in order to meet the distance learning needs of students and schools as a result of the COVID-19 public health emergency. CDE would act as the facilitator in the distribution of funding to individual schools which are eligible applicants under the Adoption Account and would be the intended recipients of these funds.¹⁹ Specifically, CDE propose to distribute funds to LEAs through county offices of education based on the highest reported need as determined by CDE's analysis of a Small School Districts (SSDA) survey. CDE will prioritize schools that need computing devices and hotspot devices, and ensure distribution of this funding to the schools.²⁰ In its comments, CDE stated that it would be helpful to have funding to assist students who lack a device enabling them to participate in digital learning during this crisis.²¹ CDE stated that the cost of student devices generally starts at \$250-\$300. This funding would provide students with the computing devices for continued learning, especially for those who would not otherwise have computing devices and therefore would be unable to participate in a virtual classroom or in distance learning activities.²² CDE informed Staff that hotspot devices may also be needed for students who presently have no Internet access. CDE further stated that this would provide immediate help to struggling schools and students to address the impacts of COVID-19 and the new digital learning environment that both students and schools face.²³ CDE has also

¹⁷ California Department of Education (www.cde.ca.gov).

¹⁸ Motion of the CDE for Party Status and Opening Comments, April 9, 2020, states "recent surveys conducted on behalf of CDE on the needs of California Schools have shown that nearly 188,000 students are lacking home connectivity and nearly 203, 000 are lacking device to connect in order to participate in digital learning experience." In a call with staff, CDE stated that the needs are even greater than what the surveys shows.

¹⁹ Pub. Util. Code, § 281(j)(2).

²⁰ CDE Opening Comments, p. 2

²¹ *Id.* at 2-3.

²² *Ibid.*

²³ *Id.* at 2.

informed staff that it has a mechanism in place to prioritize and distribute the needed devices.²⁴

A. Existing Rules and Requirements Waiver

Based on the Governor's Stay-at-home Order and the unique circumstances presented by this crisis, CD recommends that the Commission approve a waiver of various Adoption Account rules. Specifically, key provisions of the Adoption Account Requirements and Guidelines²⁵ that should be waived in this instance include the following:

- Take home devices now limited to Digital Literacy projects would be available for providing general broadband internet access.
- The reimbursement cap for devices for broadband access projects now limited to 15 devices maximum per project would be lifted. Also, the maximum cap for devices would be lifted.
- Subsidy levels limiting Commission funding to 85% of total eligible program costs would be waived and the Commission may fund up to 100% of the costs of distributed devices and hotspot devices.
- Presently, routers and computing devices (not including smartphones) are allowable for reimbursement. In this instance, hotspots and any equipment needed for providing hotspots²⁶ would also be allowable expenses.
- Adoption Account rules requiring applicants to complete and submit a project application for each project location along with a signed affidavit, would be waived. In this instance, the Commission will rely on CDE to review and recommend grants to schools and school districts. While the Commission cannot delegate its discretionary authority to CDE, under the unique requirements of this moment, it is appropriate for the Commission to substantially defer to CDE's expertise. As a state agency, CDE has fiduciary responsibilities which include accounting for the distribution of state funds and equipment; CDE's oversight will suffice in place of affidavits from each school/ school district receiving grants. The Commission will also rely on CDE to evaluate school/school districts needs in lieu of requiring that per-location applications be submitted to the Commission.

²⁴ Staff call with CDE on April 15, 2020.

²⁵ D.19-02-008, Appendix 1, pp.1-13.

²⁶ The Adoption Account does not allow subsidizing the costs of providing broadband service to households.

- Adoption Account rules provide that grantees may request payment on a reimbursement basis. In this instance, the Commission would waive this requirement, and would make funds available to CDE in advance with the understanding that CDE will oversee the distribution of the funds for the purposes specified here. The Commission will set aside an amount not to exceed \$5M for the purposes stated herein. For fiscal reporting purposes, this set-aside will be considered payments for devices and hotspots to respond to the present emergency.
- Specific to the Adoption Account rules, projects can be approved by either an Expedited Review process or through a Commission Resolution. This Resolution would allow grant approval based on the CDE's recommendations that the individual schools receiving the funds meet the requirements of this specific grant process, consistent with the revised rules approved here.
- Reporting requirements as presently stated in the Adoption Account rules are modified as indicated in the Reporting Section below.

CD further proposes that the Commission and CDE prepare a Memorandum of Understanding (MOU) outlining the roles, responsibilities, and deliverables of the parties with respect to this proposal.

The Commission expects a commitment from CDE to comply with the Resolution and the MOU. Further, we emphasize that this waiver is granted based only on the unique characteristics presented during the COVID-19 emergency and has *no precedential effect*.

B. Eligible Applicant

Schools and school districts are eligible applicants under Adoption Account rules and the intended recipient of these funds. CDE will act as the facilitator in determining the need by schools and school districts through (their LEAs), and in the distribution of funding to schools.

C. Eligible Projects and Funding Criteria

Eligible projects include programs to increase publicly-available or after-school broadband access and digital inclusion.²⁷ Per D.19-02-008, schools and school districts

²⁷ Pub. Util. Code, § 281(j)(1).

in communities facing socioeconomic barriers to broadband such as low-income communities, communities with a high percentage of residents with limited English proficiency, communities with a high percentage of residents with limited education attainment, and communities with some other demonstrated disadvantage will have priority.²⁸ CDE will review SSDA data to identify eligible schools and school districts, through their LEAs, to identify where students lack devices to participate in digital distance learning, and to determine whether or not the needs of the specific school or school district would have priority for funds. Projects to be allocated funds consistent with this Resolution shall only be for computing devices and hotspot devices. No other costs will be covered.

D. Performance Criteria

The Commission expects CDE to provide funds only for computing devices and hotspots to schools and school districts with demonstrable needs in line with funding criteria. The Commission anticipates that CDE will not exceed per device costs recommended in this Resolution and that CDE will provide reporting on money spent as described in the reporting section of this Resolution. Further, the Commission expects that CDE will distribute funds consistent with this Resolution and the MOU.

E. Reimbursable Expenses

Only the costs of acquiring computing devices and deploying hotspot devices are allowable expenses. The Commission anticipates that the cost will not be more than \$300 per device. The cost per hotspot device has not been determined but the Commission assumes that costs incurred will be reasonable.

F. Reporting

The Commission expects CDE to provide information to the Commission so that the Commission can exercise its oversight of the distribution of funds. The Commission expects CDE to provide the following information:

- The name, location, and the county-district-school code for the school/school district, through its LEA, that received funds through this distribution.

²⁸ Pub. Util. Code, § 281(j)(2) and (5), D.19-02-008, Appendix 1, pp. 3-4.

- The amount of the grant awarded per school/school district location (LEA).
- The number of computing devices and hotspot devices purchased with the grant.
- The type of devices distributed and the general cost per device / hotspot.
- The number of students who benefited from the distribution.
- CDE further commits to ensure grant funds are allocated to schools (LEAs) that meet the criteria of the program.

The Commission expects CDE to provide this reporting every six months until either all of the funds have been spent or one year has elapsed after this Resolution is approved, whichever is later.

STAFF RECOMMENDATIONS

Staff supports swift action by the Commission in response to issues that have a nexus with COVID-19 impact mitigation. In response to the Governor's Stay-at-home Order, Staff recommends that CDE act as the facilitator for the distribution of funds to schools for the purposes specified in this Resolution. Schools are eligible applicants and the intended recipients of Adoption funding. Providing students with the tools to learn at home during this unprecedented time and to mitigate the transition to student distance learning is consistent with the Adoption Account's statutory purpose to increase publicly-available or after-school broadband access and digital inclusion.

COMMENTS ON THE DRAFT RESOLUTION

In compliance with Pub. Util. Code section 311(g), a copy of this proposed Resolution was either mailed or e-mailed to all parties of record in R.12-10-012 and the CASF Distribution List on April 17, 2020.

Public Utilities Code section 311(g)(1) provides that this Resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Section 311(g)(2) provides that this 30-day period may be reduced or waived by Commission adopted rule.

The 30-day comment period has been reduced pursuant to Rule 14.6 (a)(1) and (2) of the Commission's Rules of Practice and Procedure, which allows for reduction or waiver of the 30-day period for an "unforeseen emergency situation," including "[a]ctivities that severely impair or threaten to severely impair public health or safety..." (Rule

14.6(a)(1)) and “[a]ctivities that severely impair or threaten to severely impair public health or safety... (Rule 14.6(a)(2)) Each of these situations applies here.

AT&T submitted timely comments on April 27, 2020. CDE submitted timely comments on April 27, 2020 but served the comments upon the official service list for R.12-10-012 but not to the CASF Distribution List. CDE served the same comments to the CASF Distribution List on April 28, 2020. The Public Advocates Office (PAO) submitted timely reply comments on May 1, 2020.

The comments and reply comments are discussed below.

Opening Comments to Draft Resolution T-17697

CDE

CDE stated that it supports the approach set forth in this Resolution to provide \$5 million from the CASF to assist with the device and connectivity needs of students in support of distance learning activities. CDE’s intention in providing comments is to clarify how the CDE can facilitate the implementation of any decision the Commission may make to provide such assistance.

CDE provided background about its processes for providing funds and executing administrative controls over the distribution of funds in order to better inform any subsequent arrangement between CDE and the Commission for the distribution of CASF funds. CDE noted that each locally-controlled school district, charter school and county office of education (COE) (collectively referred to as local educational agencies or LEAs) “is solely responsible for decision-making within a statewide framework of standards and support, including decisions about the need and acquisition of devices for student distance learning.”²⁹ CDE stated that it has a significant role in the allocation of funds to be distributed to the LEAs, as CDE calculates the portion of state funds these LEAs receive annually (the principal reapportionment) as well as administers the distribution of state and federal grants to LEAs.³⁰ CDE also noted that the Small School Districts Association (SSDA) has been conducting an ongoing survey

²⁹ CDE Comments to Draft Resolution T-17697, p. 2.

³⁰ *Id* at 3, which states, state funding for the LEAs is largely based on the average daily attendance. This number is self-reported by LEAs and is verified by its COE or charter school authorizer. Per CDE comments, “the state relies on self-reporting and COE oversight in important fiscal matters.”

that allows any LEAs to self-report its need for student devices and internet connectivity.³¹

CDE seeks to clarify Findings 3 and 4 in this Resolution. In the clarification for Finding 3, CDE proposes to provide information to staff as to which LEAs has the greatest need for devices and connectivity based on the analysis of the SSDA survey and its experience with LEAs. Each LEA would be responsible for acquiring the devices needed and would administer the distribution of the devices and submit documentation on the distribution verifying compliance with this Resolution. CDE further stated that it is willing to distribute CASF resources to LEAs on behalf of the Commission, directly or indirectly through COEs.³²

With respect to clarifying Finding 4, CDE stated that not all LEAs have responded to the SSDA survey upon which funding allocation is determined. CDE states that upon formal adoption of the Resolution, CDE will notify all LEAs of the opportunity to participate in the survey, and will share its analysis of the survey data with Commission staff “in order to inform the implementation of any Commission order to support the distance learning needs of students”.³³

CDE further proposed the process to follow³⁴, based on the background information provided and the clarification of the findings:

- Based on its analysis of the SSDA survey data, CDE staff will identify LEAs where students lack devices and connectivity needed to participate in digital distance learning opportunities.
- The CDE will share this information with staff and make its recommendations based on any Commission specified criteria or conditions as to how the CASF funding should be distributed to LEAs.
- The CDE would then facilitate the direct or indirect distribution of CASF awards to the LEAs to allow them to purchase devices in compliance with any criteria or conditions contained in the Commission order and collect any required documentation.

³¹ CDEs Comments to Draft Resolution T-17697, p. 3. stating, the results of this survey were used in April of this year in the distribution of 4,000 (Google) Chromebooks and to provide three-months of free Wi-Fi to 100,000 rural households

³² *Id.* at 4.

³³ *Id.* at 3-5.

³⁴ *Ibid.*.

Lastly, CDE stated that it will enter into a MOU based on the provided understandings, including CDE's providing notice to all LEAs about the available CASF funds and related details, CDE's providing its recommendations to Commission staff prioritizing LEAs needs for devices and connectivity and providing assistance to the Commission for the collection of documentation from recipient school districts for grants awarded.³⁵

AT&T

AT&T proposes to expand the definition of computing devices to "include tablets, AirCards, MiFi, smartphones (which can also be used as data-only hot spots), and other wireless devices", with a particular emphasis on smartphones. AT&T notes that there may be problems in acquiring devices such as laptops due to supply chain issues and, therefore, states that it makes sense to expand the definition of computing devices so as to add flexibility in obtaining appropriate devices. Additionally, AT&T notes that since the resolution is silent on how to best address "the connectivity essential to bring devices online" it proposes specific AT&T programs that, it states, can address this needed connectivity.³⁶

Reply Comments Draft Resolution T-17697

PAO

PAO replied to comments made by AT&T regarding allowable computing devices. Additionally, PAO replied to comments made by CDE specific to best practices for device distribution.³⁷

PAO recommended that the Commission should disregard AT&T's recommendation to expand the definition of "computing devices" to include smartphones. Citing to studies on academic achievement and reliance on smartphones, PAO reasoned that use of smartphones for academics provided no advantage even over those without a computing device. PAO also noted that the procurement of smartphones with funds from the CASF Adoption Account was inconsistent with Commission policy. PAO proposed that "the Commission should require that the CDE develop best practices" in regard to device usage and internet safety if the LEA has no such best practices. The PAO further proposed that the Commission provide literature to be distributed with the devices that would include information on Internet service and safety, computer

³⁵ CDEs Comments to Draft Resolution T-17697, p. 5.

³⁶ AT&T Comments to Resolution T-19697, pp. 1-2

³⁷ PAO's Reply Comments to Resolution T-19697, pp. 1-3

training and any Adoption Account “regulations on device use/ownership/loan length, etc.”

A. Staff Responses to Comments and Reply Comments on the Resolution

CDE

Staff finds CDE’s comments informative and reasonable. This Resolution has been revised including Findings 3 and 4 in response to CDE’s comments. Staff further agrees that upon formal adoption of this Resolution, a MOU be prepared addressing the process, roles, responsibilities, and deliverables of the parties with respect to this proposal.

AT&T

Staff appreciates that there may be issues with availability of devices and notes that, under CASF Adoption Account rules, an acceptable computing device can be a tablet. However, smartphones are specifically prohibited under existing Adoption Program rules. For example, the California Emergency Technology Fund’s (CETF) 2019 Annual Broadband Adoption Survey Report states that “households with only smartphone access are considered ‘underconnected’ because they are at a disadvantage in optimizing use of the technology for certain functions, such as doing schoolwork, applying for a job, or taking online classes to expand workforce skills.”³⁸

AT&T’s comments addressed connectivity issues and proposed use of AT&T services to address such issues. As AT&T noted, this resolution is “silent” about how to address such connectivity issues. The scope of the proposed funding is specific to acquisition of devices CDE requested. Potential acquisition of services to connect the devices is beyond the scope of this resolution.

PAO

Staff agrees with the PAO that the Commission disregard AT&T recommendation to include smartphones as a “computing device” (to be purchased and distributed through this funding) for the reasons stated above. However, Staff does not agree with PAO’s proposal that the Commission require CDE to follow “best practices”, including the provision of information to the LEAs regarding such practices and program rules. This is an urgency measure to be taken in response to the current COVID-19 public health emergency; the priority is to provide the means for distributing needed devices to

³⁸ CETF, 2019. Annual Survey, 2019. Retrieved from <http://www.cetfund.org/progress/annualsurvey>.

public school students. Therefore, the Commission is relying on existing processes to expeditiously distribute the devices.

FINDINGS

1. On March 19, 2020, the Governor signed Executive Order N-33-20 requiring Californians to heed the order of the California State Public Health Officer and the Director of the California Department of Public Health that all individuals living in the State of California stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors, in order to address the public health emergency presented by the COVID-19 disease (stay-at-home order).
2. On March 26, 2020, the Assigned Commissioner issued an Assigned Commissioner Ruling (ACR) requesting comments on CASF Broadband Infrastructure Account rules and application windows in R.12-10-012.
3. On April 9, 2020, CDE submitted a motion requesting party status and opening comments and proposed that CDE help disseminate resources directly to students who are identified as needing it most in schools through the County offices of education.
4. On April 27, 2020 CDE submitted comments to Draft Resolution T-17697 recommending various clarifications to Finding 3 and 4 and a MOU memorializing the proposal.
5. CDE's comments to the Draft Resolution clarified the CDE proposal in that CDE will determine the specific school and school district needs for funding allocation based on the highest reported need and using knowledge gained with its experience administering distribution of funds to the schools/school district (LEAs). Each local educational agency is responsible for acquiring devices and for submitting documentation of device distribution in compliance with the Commission reporting requirements.
6. CDE comments to the Draft Resolution clarified that, in determining school and school district (LEAs) needs for funding, the SSDA survey being used to make this determination will be made available to all local educational agencies so as to promote this funding opportunity. CDE will share this information with

Commission staff in order to support distance learning needs of students as a result of the COVID-19 public health emergency.

7. Based on the Governor's Stay-at-home Order and the unique circumstances presented by this crisis, it is reasonable for the Commission to approve a waiver of various Adoption Account rules in order for CDE to act as the facilitator in the distribution of funding to individual schools.
8. Public Utilities Code section 311(g)(2) and the Commission's Rules of Practice and Procedure Rule 14.6 (a)(1) and (a)(2) allow the Commission to reduce or waive the public review and comment period in an unforeseen emergency situation including "[a]ctivities that severely impair or threaten to severely impair public health or safety..." (Rule 14.6(a)(1)) and "[a]ctivities that severely impair or threaten to severely impair public health or safety... (Rule 14.6(a)(2)).

THEREFORE, IT IS ORDERED that:

1. The Commission shall set aside an amount not to exceed \$5 million for the distribution of grants from the CASF Adoption Account to public schools and school districts in response to the COVID-19 public health emergency and will work with CDE, which will determine the specific school and school district needs for funding allocation.
2. The Commission and CDE shall prepare a Memorandum of Understanding (MOU) outlining the roles, responsibilities and deliverables of the parties with respect to this proposal.
3. The Commission shall waive some of the rules governing the Adoption Account in order for CDE to act as the facilitator in the distribution of funding.
4. CDE shall distribute funds consistent with this Resolution and the MOU.
5. The Commission expects a commitment from CDE to comply with the Resolution and the MOU

Resolution T-17697
CD/XSH/SMC/WG1

The effective date of this order is today.

I hereby certify that the Public Utilities Commission adopted this Resolution at its regular meeting on May 7, 2020. The following Commissioners adopted it:

/s/ Alice Stebbins

Alice Stebbins
Executive Director

MARYBEL BATJER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners